



MEMORANDUM

DATE: May 24, 2017
For June 8, 2017 Hearing

TO: Jim Mazzocco
Zoning Examiner

FROM: Lynne Birkinbine *Lynne Birkinbine*
Planning & Development Services
Deputy Director

SUBJECT: REZONING PLANNING & DEVELOPMENT SERVICES REPORT
C9-17-05 North Campbell, LLC – Glenn Street, R-2 to C-1 (Ward 3)

Issue – This is a request by Tanya Washington of Presidio Engineering, Inc. on behalf of the property owner, North Campbell, LLC, to rezone approximately 0.17 acres from R-2 to C-1 zoning. The rezoning site is located on the north side of Glenn Street, approximately 200 feet west of Campbell Avenue (see Case Location map). The preliminary development plan proposes a food service use (restaurant) with alcoholic beverage service as an accessory use, at the northwest corner of Campbell Avenue and Glenn Street. The rezoning site, immediately to the west of this corner, is proposed as a parking area for the restaurant. The site for the proposed restaurant and parking lot is made up of two parcels, with the eastern parcel being zoned C-1 and the western parcel zoned C-1 and R-2. The R-2 portion of the western parcel is the portion of the project which is requested for rezoning to C-1. The existing use of the eastern parcel is a vacant restaurant with parking, and the western parcel is developed with a catering service and residential rental units.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of C-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Vacant food service use, catering service, residential units, and parking.

Surrounding Zones and Land Uses:

North: Zoned Commercial (C-1); retail, office, and small business

South: Zoned Commercial (C-1) and Residential (R-2); small businesses and single-family homes

East: Zoned Commercial (C-1); retail, commercial, and small business

West: Zoned Residential (R-2); residential condominiums, single- and multi-family residential

Previous Cases on the Property: None

Related Cases:

C9-13-16 Friends of the Library – Bray Road, R-2 to C-1 (Ward 6) This was a rezoning request for 1.06 acres located southeast of the intersection of Grant Road and Country Club Road to allow business operations to expand to the east and southeast. The preliminary development plan proposed two new 2,500 square foot commercial building and a parking area. On April 23, 2014, Mayor and Council authorized the request. On February 23, 2016, the Mayor and Council adopted Ordinance No 11347.

C9-13-09 Girl Scouts – Broadway Boulevard, R-1 and P to C-1 (Ward 6) This was a rezoning request for 0.8 of an acre located at the southeast corner of Broadway and Columbus Boulevard to create a consistent zoning pattern to facilitate redevelopment and expansion of the site. On November 6, 2013, Mayor and Council authorized the request.

Applicant's Request – Applicant requests a rezoning for an approximately 0.17 acres portion of the property from R-2 (Residential Zone) to C-1 (Commercial Zone) to allow a parking lot for a proposed restaurant at the northwest corner of Campbell Avenue and Glenn Street. The applicant is requesting direct ordinance adoption at time of consideration by the Mayor & Council.

Planning Considerations

Land use policy direction for this area is provided by the *Cragin-Keeling Area Plan (CKAP)* and *Plan Tucson (PT)*.

CKAP policy goals and guidelines are to preserve, protect and enhance the quality of life in residential areas. The Plan requires the implementation of appropriate design elements and buffering techniques during the rezoning and associated development to ensure the sensitive design of new development in established neighborhoods as outlined in the General Design Guidelines. These elements must be shown on the PDP. *CKAP* promotes the consolidation of parcels with common property lines when developing non-residential uses to provide sufficient space for adequate buffering of adjacent, less intense development. *CKAP* requires all parking and vehicle maneuvering to be located on site. *CKAP* considers the expansion of remaining commercial areas into adjoining residential areas when logical boundaries such as existing alleys can be established, and the abutting residential can be appropriately buffered per the plan's General Design Guidelines. Commercial development can be supported when primary access is provided to an arterial street.

The site is located in an area classified as a Mixed-Use Corridor on the City of Tucson Future Growth Scenario Map in *Plan Tucson*. Mixed-Use Corridors are defined in *PT* as corridors that contain a higher-intensity mix of jobs, services, and housing along major streets. The businesses and residences within these corridors are served by a mix of transit options, as well as pedestrian and bicycle facilities.

PT policies supports the location of employment, retail and services in proximity to each other to allow easy access to each other and reduce dependence on the car. *PT* calls for the development of mixed use centers combined with the variety of retail services, offices and other options. *PT* considers the expansion of commercial areas into adjoining residential areas when logical boundaries, such as existing streets or drainage ways, can be established and adjacent residential property can be appropriately screened and buffered. *PT* also supports environmentally sensitive design that complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community.

The subject rezoning site is currently zoned R-2 residential and is located immediately west of a proposed food service use with alcoholic beverage service as an accessory use, located on the northwest corner of Campbell Avenue and Glenn Street. The development site consists of two parcels which will be combined and redeveloped for the proposed food service use, with the rezoning site along the west edge of the property to be used for vehicle parking. To the east across Campbell Avenue is a shopping center with retail and food service uses. To the north of the site is a financial use, zoned C-1. To the west of the rezoning site is an existing residential neighborhood zoned R-2, with two-story condominiums and single-story single-family and multi-family residential. To the south across Glenn Street is a residential subdivision with single-family homes, zoned R-2, and office, retail and food service uses, zoned C-1 fronting on Campbell Avenue.

Field inspection by staff indicates there are no billboards on the site.

Design Considerations

Land Use Compatibility – The preliminary development plan (PDP) indicates a 2,800 square foot commercial food service building with a single drive-through lane and window service. Appropriate parking and landscaping will also be provided. The proposed building will be one story with a maximum height of 23 feet. The project will developed to standards of the *Unified Development Code (UDC)*. The nearest residential units are the condominiums located approximately 60 feet to the west across an access drive from Glenn Street to the financial institution located north of the rezoning site. Substantial buffer yard setbacks, proposed landscaping within the parking lot, and existing hedges and shrubbery along the western property line mitigate for light and noise intrusion in this area.

Drainage/Grading/Vegetation – The Design Compatibility Report (DCR) proposes existing mature onsite vegetation along the western and northwestern portion of the site will be maintained as part of a landscape buffering and additional drought-tolerant landscaping and native trees will be planted to meet *UDC* standards. The development will be required to provide 3,959 square feet of six inch depressed water harvesting area, with hardscape surfaces to drain towards these water harvesting areas. To promote visual interest, staff recommends that any screen walls have a decorative design with surface texture and colors that complement the building, and that they be constructed of or painted with graffiti-resistant materials.

Road Improvements/Vehicular Access/Circulation –The PDP proposes two ingress/egress driveways for the property. The driveway providing access from Campbell Avenue will be limited to right-in/right-out access only, while the driveway on Glenn Street will serve both east and west directions. Campbell Avenue is classified as an arterial gateway street on the *Major Streets and Routes Plan (MS&R)* map, with a proposed right-of-way width of 120 feet. Glenn Street is classified as a collector street with a proposed right-of-way width of 64 feet on the *MS&R* map. Additional right-of-way dedication may be required at the intersection of Campbell Avenue and Glenn Street to meet *MS&R* standards.

The project is being developed in accordance with an *MS&R* use modification waiver, Activity Number T16SA00515, approved December 27, 2016. This waiver allows for the development of a drive-through lane, as well as landscaping and water harvesting within the right-of-way along Campbell Avenue and Glenn Street.

Plan policy calls for all parking, loading and maneuvering to be provided onsite. The PDP shows the site as one development with integrated vehicular access and circulation. During the development review process these areas will be required to comply with the *UDC*. Parking areas are to be landscaped with a mix of canopy trees and understory shrubs and ground cover to assist in the urban heat island effect.

Conclusion – The *Cragin-Keeling Area Plan* and *Plan Tucson* support the proposed rezoning. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 zoning is appropriate.

PROCEDURAL

1. A development package in general compliance with the preliminary development package dated April 3, 2017, and required reports, covering the rezoning site together with parcel numbers 113-07-005A and 113-07-0060 is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years is allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning with a site inspection.

LAND USE COMPATIBILITY

6. Provide documentation of a recorded lot combination with the abutting commercial parcel (tax id # 113-07-0060), located on the northwest corner of Campbell Avenue and Glenn Street.
7. Hours of operation for deliveries and trash pick-up limited to between 7:00 AM and 9:00 PM.
8. All screen walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, rustic metal, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
9. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case _____ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case _____.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case _____.

Dated this _____ day of _____, 20____.

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____

(Signature of Owner or Authorized Representative, if applicable)

By: _____

(Signature of Owner or Authorized Representative, if applicable)

Its: _____

(Title of Individual Signing in Representative Capacity)

Its: _____

(Title of Individual Signing in Representative Capacity)

State of Arizona)

County of _____)

On this _____ day of _____, 20____, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

My Commission expires:

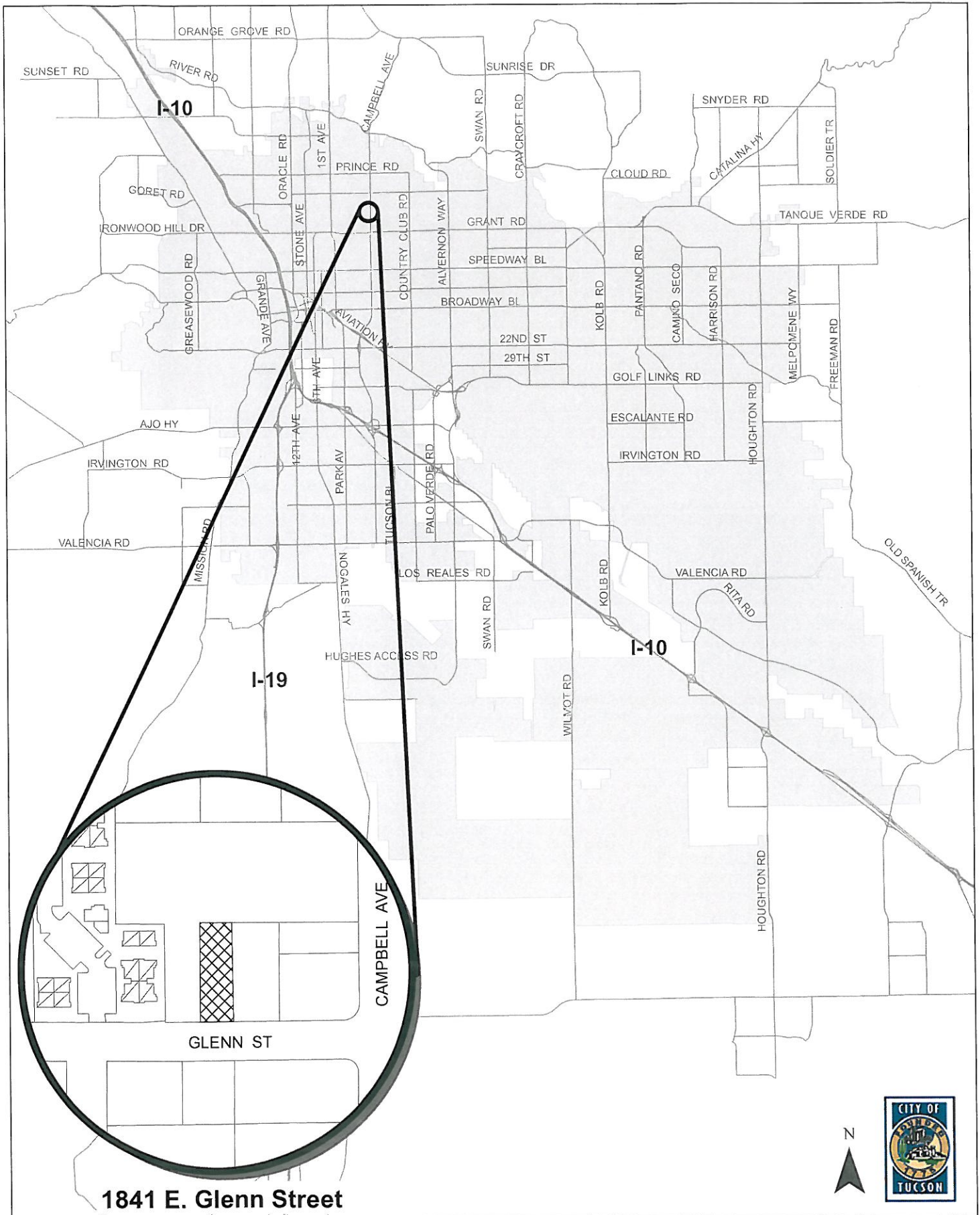
City of Tucson, an Arizona municipal Corporation:

By: _____

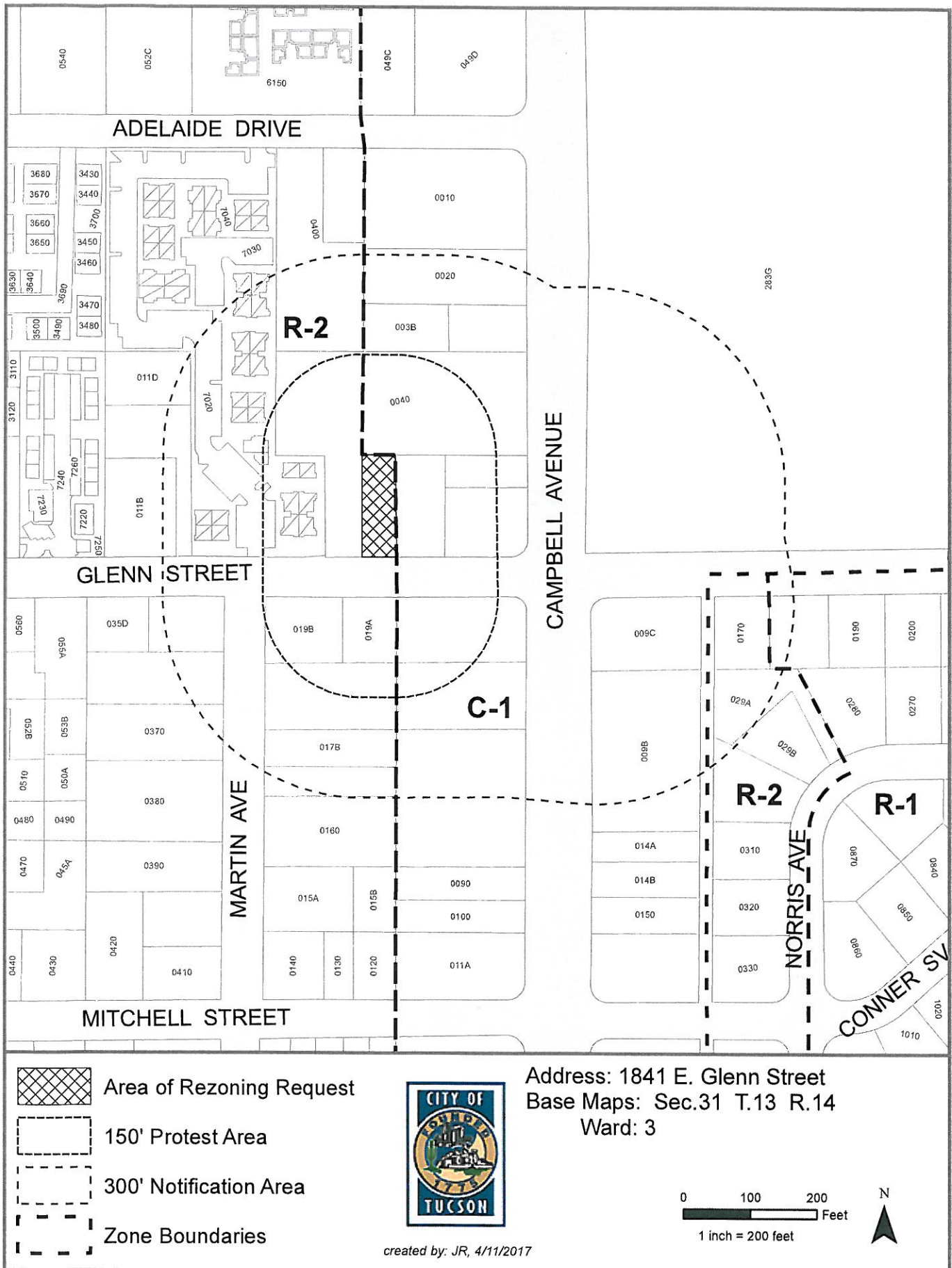
Planning & Development Services Department

This form has been approved by the City Attorney.

C9-17-05 North Campbell, LLC.- Glenn Street



Rezoning Request: from R-2 to C-1





C9-17-05 North Campbell, LLC.- Glenn Street
2016 Aerial

0 100 200
Feet
1 inch = 200 feet



PUBLIC FACILITIES AND SERVICES REPORT FOR June 8, 2017
(as of May 19, 2017)

C9-17-05 North Campbell, LLC – Glenn Street, R-2 to C-1

CITY AGENCIES

Planning & Development Services – Community Planning: See attached comments dated 5/8/17.

Planning & Development Services – Zoning Review: See attached comments dated 4/19/17.

Planning & Development Services – Sign Code: See attached comments dated 4/27/17.

Planning & Development Services – Engineering: See attached comments dated 5/8/17.

Transportation – Traffic Engineering: See attached comments dated 4/26/17.

No Objections Noted

City of Tucson, Real Estate Program

Transportation – Engineering

Planning & Development Services – Landscape

Tucson Fire Department

Community Services – Historic Preservation Officer

Tucson Parks and Recreation

Tucson Police Department

Tucson Parks and Recreation

Environmental Services

NON-CITY AGENCIES

PAG-TPD: No comment

No Objections Noted

Pima County Planning and Development Services

Tucson Unified School District

Pima County Wastewater

Arizona Department of Transportation

Pima County Transportation and Flood Control

Pima County Parks and Recreation

Davis-Monthan Air Force Base

Tucson Electric Power

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, May 24, 2017 at

<https://www.tucsonaz.gov/PRO/pro/AdvancedSearch.jsp>



Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of $\frac{3}{4}$ of the Mayor and Council will be required to approve the rezoning ordinance.

**Case: C9-17-05 North Campbell, LLC – Glenn Street, R-2 to C-1
Ward # 3**

I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.
☐ PROTEST the proposed rezoning.

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-17-05

Expose this flap - Affix stamp and return



City of Tucson PMc
Planning and Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-17-05
IMPORTANT REZONING NOTICE ENCLOSED